



September 27, 2013

To: Executive Board

Subject: September 2013 Legislative Summary

Recommendation

Receive and file the September 2013 Legislative Summary. There are no recommended positions on bills this month.

Analysis

A summary of state and federal legislation and its status is attached.

State Legislative Issues:

The State Legislature completed its business for this first year of the session early on the morning of September 13. We received good news on two bills we reported on last month. SB 556 that would require public agencies, including public transit systems, to "label" employees and vehicles that are independent contractors or operated by independent contractors with a "NOT A GOVERNMENT EMPLOYEE" or "THE OPERATOR OF THIS VEHICLE IS NOT A GOVERNMENT EMPLOYEE" disclosure was amended to exclude transit. It was also put on the inactive file and made a two year bill.

AB 1222 (Bloom and Dickinson) was passed by the Legislature and provides a path to resolve the dispute blocking federal transit grants from flowing to California transit agencies. The bill is now on its way to Governor Brown's desk to await his signature. He is expected to sign it. AB 1222 creates a one-year exemption from the California Public Employees' Pension Reform Act of 2013 (PEPRA), to January 1, 2015, for public transit employees covered under the Federal Transit Act. This will allow the agencies whose grants are decertified an opportunity to maintain PEPRA through action in federal court. If the court determines PEPRA is in compliance with "Section 13(c)" of the Federal Transit Act, then the one-year exemption will sunset. On the other hand, if the court says PEPRA is not in compliance, then the exemption will become permanent. This issue does not involve agencies that contract their services with private companies and therefore Foothill Transit is not impacted and our grants are not at risk.

Federal Legislative Issues:

Congress returned from their summer recess on September 9. Most of their attention has been and will continue to be focused on the situation in Syria. Other key issues that will need to be dealt with very soon include the FY 2014 Federal Budget, funding of the Affordable Care Act (ACA) and debt ceiling.



Executive Board Meeting – 09/27/13
September 2013 Legislative Summary
Page 2

On September 11, in the absence of finalized appropriations bills for Fiscal Year (FY) 2014, House Appropriations Chairman Hal Rogers (R-KY) introduced a Continuing Resolution (CR) in order to continue funding the federal government beyond the current Fiscal Year, which ends on September 30. The proposed CR would continue funding government agencies and programs at current fiscal year levels, through December 15, 2013. Should Congress fail to pass a CR by the end of the month, the federal government will shut down on October 1, 2013.

Chairman Rogers provided a statement on the CR, which read, in part: "The Continuing Resolution introduced today is simply a temporary measure to keep the lights on in government until this Congress can fulfill its duty by approving Appropriations bills for the next fiscal year. This bill is free of controversial riders, maintains current funding levels, and does not seek to change existing federal policies."

Daunting issues, not the least of which is the impending bankruptcy of the Highway Trust Fund (HTF), form the backdrop for the transportation reauthorization efforts next year. By many accounts, the new Chair of the House Transportation & Infrastructure (T & I) Committee, Bud Shuster (R-PA), is trying to find new ways to make the committee process work. A key part of the Chairman's strategy reportedly will be a comprehensive communications plan for convincing not only Democratic members as well as Republican members of his own caucus, but also those who care about transportation outside the Capital Beltway. It is very clear that Chairman Shuster is doing all he can in an effort to get comprehensive bills like the next highway/transit reauthorization bill done.

Financial Impact

AB 1222 will have no impact on the Foothill Transit budget.

Sincerely,

David Reyno
Director of Government Relations

Doran J. Barnes
Executive Director

2013 Legislation Summary

Current as of 9/13/2013

(Amendments and Bills with updated status or requesting action are indicated in **bold)**

Bill No.	Author	Analysts	Potential Impacts	Location	Outside Agency Positions	Recommended Position
AB 5	Ammiano	The bill would enact the Homeless Person's Bill of Rights and Fairness Act. The bill would establish a number of rights for every person in the state, including those who are considered homeless including the right to move freely in the same manner as any other person in public spaces, including, but not limited to, plazas, parking lots, public sidewalks, public parks, public transportation, public streets, and public buildings. In the same manner as any other person, and without discrimination by law enforcement, public or private security personnel and the right to rest and sleep in public spaces without being subject to criminal or civil sanctions, harassment, or arrest by law enforcement, public or private security personnel as long as such rest does not maliciously or substantially obstruct a passageway. The purpose of the bill is to protect people without homes from violations of their basic human rights and the people who serve them from penalties and includes public transportation in its definition of public space.	The bill would mean that the homeless could freely loiter or sleep in a Foothill Transit parking structure or sleep on a Foothill Transit bus stop bench without any legal remedy.	Assembly Committee on Appropriations	CTA - Oppose	Oppose Position Adopted 5/24/2013
AB 8	Perea/Skinner	Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission to provide, upon appropriation by the Legislature, grants, loans, loan guarantees, revolving loans, or other appropriate measures, for the development and deployment of innovative technologies that would transform California's fuel and vehicle types to help attain the state's climate change goals. AB 8 and SB 11 extends alternative fuel incentive programs including the Carl Moyer and AB 11B programs. These programs, which have been funded by tire fees, DMV registration fees, smog abatement fees, and vehicle plate fees, have provided funds for various projects to increase the usage of alternative fuels and help with the expansion of alternative fuel infrastructure.	The bill's passage would mean funds will continue to be available to assist Foothill Transit and other state transit agencies financially with fleets of natural gas vehicles and the infrastructure needed to maintain them.	Passed by the Legislature and Awaiting Action by the Governor	CTA - Support	Support Position Adopted 2/22/2013
AB 574	Lowenthal	The bill establishes a program to fund sustainable communities strategies (developed pursuant to SB 375) as well as equivalent greenhouse gas (GHG) reducing strategies in rural areas, using cap and trade auction proceeds. The bill provides a statutory framework for implementing the sustainable communities allocations from cap and trade revenues, including key elements such as a per capita distribution of funds to California's regions, a competitive grant program guided by state policy objectives aligning with regional GHG reduction, and a performance-based approach to maximize investments. Additionally, the bill specifically includes funding for transit operations, maintenance, and infrastructure among the eligible investments for the funds.	This bill would provide a mechanism for which the transit industry and Foothill Transit would receive its fair share of the cap and trade auction proceeds.	Assembly Committee on Appropriations	CTA - Support	Support Position Adopted 4/26/2013

2013 Legislation Summary

Current as of 9/13/2013

(Amendments and Bills with updated status or requesting action are indicated in bold)

Bill No.	Author	Analysis	Potential Impacts	Location	Outside Agency Positions	Recommended Position
AB 1002	Bloom	Existing law imposes a registration fee to be paid to the Department of Motor Vehicles (DMV) for the registration of every vehicle or trailer coach of a type subject to registration, except those vehicles that are expressly exempted from the payment of registration fees. Existing law, until January 1, 2016, imposes a \$3 increase on that fee, \$2 of which is to be deposited into the Alternative and Renewable Fuel and Vehicle Technology Fund and \$1 of which is to be deposited into the Enhanced Fleet Modernization Subaccount. AB 1002 would raise the existing vehicle surcharge from its current \$4 to \$10. The funds would be distributed by the following breakdowns for cities to better achieve their SB 375 goals: 50% is proposed to be distributed to cities and counties on a per capita basis for planning and implementation of projects consistent with the purposes of SB 375 and an approved Sustainable Communities Plan. 40% is proposed to be distributed to transportation commissions and transit operators to support transit operations, and maintain and expand reduced fare programs. Including transit passes for students, low income youth, seniors and persons with disabilities. 10% to MPO's and Regional Transportation Planning Associations for Implementation of sustainable communities strategies.	This bill could provide Foothill Transit with additional operating funds, specifically for fare programs, including our college ridership pass program.	Assembly Local Government Committee	CTA - Support	Support Position Adopted 6/28/2013
AB 1257	Bocanegra	The bill will establish the State Energy Resources Conservation and Development Commission (Energy Commission) to thoughtfully evaluate and recommend the right natural gas strategies to further reduce greenhouse gas emissions and cultivate a robust clean energy economy. A declaration would be made with the passage of this legislation that there will be a state policy to reduce greenhouse gas emissions and that an efficient and effective strategy for the use of natural gas has potential for helping to meet these objectives. The Committee will develop strategies to maximize the benefits obtained from natural gas as an energy source. The Energy Commission will review many uses for natural gas, specifically the Commission will identify methods to increase the development of natural gas refueling infrastructure for transportation and protect against system capacity constraints.	The bill's passage will create an Energy Commission that will increase government participation in the creation and maintenance of a natural gas policy for the state.	Passed by the Legislature and Awaiting Action by the Governor		Support Position Adopted 3/29/2013
SB 11	Pavley/Rubio	Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission to provide, upon appropriation by the Legislature, grants, loans, loan guarantees, revolving loans, or other appropriate measures, for the development and deployment of innovative technologies that would transform California's fuel and vehicle types to help attain the state's climate change goals. AB 8 and SB 11 extends alternative fuel incentive programs including the Carl Moyer and AB 118 programs. These programs, which have been funded by tire fees, DMV registration fees, smog abatement fees, and vehicle plate fees, have provided funds for various projects to increase the usage	The bill's passage would mean funds will continue to be available to assist Foothill Transit and other state transit agencies financially with fleets of natural gas vehicles and the infrastructure needed to maintain them.	Assembly Committee on Transportation	CTA - Support	Support Position Adopted 2/22/2013

2013 Legislation Summary

Current as of 9/13/2013

(Amendments and Bills with updated status or requesting action are indicated in bold)

Bill No.	Author	Analysis	Potential Impacts	Location	Outside Agency Positions	Recommended Position
SB 556	Corbett	This bill would require public agencies, including public transit systems, to "label" employees and vehicles which are independent contractors or operated by independent contractors with a "NOT A GOVERNMENT EMPLOYEE" or "THE OPERATOR OF THIS VEHICLE IS NOT A GOVERNMENT EMPLOYEE" disclosure.	Foothill Transit along with many transit systems throughout the state utilize independent, outside contractors to provide transit service, such as drivers/operators for buses and rail vehicles. This bill would place a financial burden on both transit systems and the independent contractors in order to meet the disclosure requirement. Furthermore, the bill would potentially have a detrimental impact to public perception. Internally and externally, Transit systems aim to provide a sense of inclusiveness for employees and the "nongovernmental employee" disclosure may affect morale among employees by creating a sense of division. Secondly, the disclosure requirement would likely cause confusion to the public. Transit patrons may mistakenly perceive that operators and vehicles with the "nongovernment employee" disclosure reflects lesser qualifications or impacts public safety.	Inactive File. Made a two year bill.	CTA - Oppose	Oppose Position Adopted 7/26/2013
SCA 4	Liu	Existing law under the California Constitution requires the approval of 2/3 of the voters of the city, county, or special district voting on any new or increase of an existing tax. SCA 4 and SCA 8 would provide that the imposition, extension or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of 55% of its voters voting on the proposition.	The new voter approval threshold could lead to more transportation and transit money and mean additional funding for Foothill Transit.	Senate Committee on Appropriations	CTA - Support	Support Position Adopted 2/22/2013
SCA 8	Corbett	Existing law under the California Constitution requires the approval of 2/3 of the voters of the city, county, or special district voting on any new or increase of an existing tax. SCA 4 and SCA 8 would provide that the imposition, extension or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of 55% of its voters voting on the	The new voter approval threshold could lead to more transportation and transit money and mean additional funding for Foothill Transit.	Senate Committee on Appropriations	CTA - Support	Support Position Adopted 2/22/2013

2013 Legislation Summary

Current as of 9/13/2013

(Amendments and Bills with updated status or requesting action are indicated in bold)

Bill No.	Author	Analysis	Potential Impacts	Location	Outside Agency Positions	Recommended Position
H.R. 2288	Grimm (R, NY) McGovern (D, MA)	The bill establishes permanent parity between qualified, pre-tax and tax-free fringe transit and parking benefits at a maximum of \$220 per month. At the \$220 per month level, the federal fiscal impact is neutral, meaning no additional revenue measures are necessary. The bill also allows for future cost-of-living adjustments to the benefit level.	Would provide transit riders in general and Foothill Transit customers specifically with a tax benefit equal to those who drive their personal vehicles.	House Committee on Ways & Means	APTA - Support	Support Position Adopted 7/26/2013
S. 1116	Schumer (D, NY)	The bill would establish parity between the commuter and parking benefits at the current level of \$245 per month, but does not include a provision to offset the cost because the author wants to maintain the benefit at current levels.	Would provide transit riders in general and Foothill Transit customers specifically with a tax benefit equal to those who drive and park their personal vehicles.	Senate Committee on Finance	APTA - Support	Support Position Adopted 7/26/2013